

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

101-P287/P3158US1

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on _____

Signature _____

Typed or printed name _____

Application Number

10/688,213

Filed

10/15/2003

First Named Inventor

Patrice Gautier

Art Unit

3696

Examiner

See, Carol A.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/C. Douglass Thomas/

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

C. Douglass Thomas

Typed or printed name

☒ attorney or agent of record.
Registration number 32947

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Telephone number

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

December 14, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 11.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gautier et al.

Attorney Docket No.: 101-P287/P3158US1

Application No.: 10/688,213

Examiner: See, Carol A.

Filed: October 15, 2003

Group: 3696

Title: Method and system for network-based allowance control

Confirmation No. 7257

PRE-APPEAL BRIEF AND REQUEST FOR REVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the Final Rejection dated September 14, 2010 in the above-identified application. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated below.

PATENTABILITY OF CLAIMS 1-6, 8-9 11-25, 38, 42-47, 56 AND 62-65

In the Office Action, the Examiner rejected claims 1, 4-6, 11-12, 14-18, 21-25, 44-47, 56 and 62 under 35 U.S.C. §103(a) as being allegedly anticipated only by Fleming (U.S. Patent 5,953,710); rejected claims 8-9 and 63-65 under 35 U.S.C. §103(a) as being allegedly anticipated by Fleming in view of Picciallo et al. (US Pub. 2001/0034703); rejected claims 2, 3, 19, 20 and 38 under 35 U.S.C. §103(a) as being allegedly unpatentable over Fleming in view of Herman (PCT Intl. Publication WO/0043852); rejected claim 13 under 35 U.S.C. §103(a) as being allegedly unpatentable over Fleming in view of Maritzen et al. (US Pub. 2002/0095386); and rejected claims 42-43 under 35 U.S.C. §103(a) as being unpatentable over Fleming in view of Cheong et al. (USP 7,006,993). Claims 1, 56, 62 and 63 are independent claims. These rejections are fully traversed below.

Fleming describes a credit and debit card system for children that allows "the available credit to be determined by someone other than the card issuer and that allow a limit to be set on the number of expenditures that can be made." (Abstract). The credit or debit card systems are each different and distinct as taught by Fleming. For credit cards, Fleming discloses that "[w]ith respect to credit cards, after completing a satisfactory application and signing an agreement to make payments for all purchases made with the credit card, a customer is issued a card with identifying information. The customer can then provide this card, or simply provide the card's identifying information, to merchants in order to make a purchase." (Col. 1, lines 17-23). Thus, with credit cards, Fleming teaches that the user must make payments for all purchases. (See also, Col. 3, lines 21-23, See also Col. 5, lines 22-24 which states "A parent sends a payment 16 via the payment delivery service 18 which is processed by the Bank Payment Processing System 20"). For debit cards, Fleming teaches that a "debit card functions very much like a credit card. However, a debit account is based primarily upon funds deposited in the debit card account, rather than credit granted by a card issuer to a credit card account. The available credit for a debit card account then corresponds to the available account balance in the debit card account." (Col. 12, lines 57-62). Thus, debit cards correspond to funds in a debit card account and are not based on a credit card account whereby credit is issued by a credit card company. It is respectfully asserted that the Office Action is confusing and intermingling the two different and distinct systems.

Claim 1, among other things, recites:

- (a) receiving an allowance request from a user indicating a request to set up an allowance for a recipient, the allowance representing an amount of money being made available by the user to the recipient for purchase of one or more items over the network;
- (b) receiving an allowance increment or selection of an allowance increment, the allowance increment indicating an amount of money to be transferred to the recipient account on a periodic basis; and
- (c) periodically initiating transfer, by at least one server, of money into the recipient account in accordance with the allowance request and the allowance increment, wherein the transfer of the money periodically in the amount of the allowance increment is achieved by transferring the amount of the allowance increment from a credit card

associated with the user to the recipient account, whereby the recipient account is credited with the amount of the allowance increment.

Thus, a user may transfer an amount of money (i.e., funds) to a recipient account associated with a recipient. This money may then be used by the recipient for the purchase of goods over a network (e.g., Internet). Claim 1 provides for a request to set up an allowance for a recipient whereby the transfer of the money periodically in the amount of the allowance increment is achieved by transferring the amount of the allowance increment from a credit card.

The Final Office Action improperly equates the credit limit provided by the card issuer of Fleming to the transfer of money recited in claim 1. Specifically, the Final Office Action cites Col. 6, lines 20-47, Col. 10, lines 10-47, and col. 14, lines 45-50, which all correspond to the credit card system of Fleming that clearly does not utilize any money. Fleming specifically simply teaches that **credit** is given on a credit card that has to be paid back to the credit card issuer, which clearly is **not** a transfer of **money**. As also taught in Fleming, a **credit limit** is the maximum amount of credit that a financial institution or other lender will extend to a debtor for a particular line of credit. There is no transfer of money from the credit card company to the credit card holder. This is further supported in Fleming, which specifically teaches that the parents “make a single payment for both the child’s and the parent’s credit card accounts.” (Col. 3, lines 21-23, See also Col. 5, lines 22-24 which states a “parent sends a payment 16 via the payment delivery service 18 which is processed by the Bank Payment Processing System 20”). In fact, should the credit be equated to the transfer of money, there would be no need or desire for the user to “send a payment” to the credit card company. Thus, equating the credit limit of Fleming to the transfer of money recited in claim 1 is not logical especially since Fleming teaches that the user (i.e., parents) must send a payment for the purchases placed on the credit card to the credit card company.

The Final Office Action, on page 6, cites Col. 10, lines 10-47 and Col. 14, lines 45-50 as teaching “wherein the transfer of the money periodically in the amount of the

allowance increment is achieved by transferring the amount of the allowance increment from a credit card associated with the user to the recipient account" as recited in claim 1. However, as stated above, in the credit card system as taught by Fleming, Fleming fails to teach or suggest the transfer of money much less teach or suggest the periodic transfer of money from a credit card. In fact, as stated above, Fleming teaches that the parents must pay the credit card company money and teaches that the parents "make a single payment for both the child's and the parent's credit card accounts." Accordingly, the child's credit card of Fleming is clearly not funded with money that is transferred from the parent's credit card.

Based on the foregoing, it is submitted that claim 1 is patentably distinct from Fleming. Independent claims 62, and 63 provide for similar features as claim 1 and is allowable for at least one or more similar reasons. In addition, it is submitted that dependent claims 2-6, 8-9, 11-12, 13-20, 21-25, 38, 42-47, and 64 are also patentably distinct for at least the same reasons.

Similarly, claim 56 is also patentably distinct from Fleming. Claim 56 pertains to a method for facilitating the transfer of money to one or more recipient accounts associated with one or more recipients. The money amount is then available for use by recipients for purchase of goods over a network. As previously noted, Fleming pertains to processing of a parent request to increase a child's available credit. Increasing or providing credit to a child by a parent as described in Fleming is not a transfer of money to a recipient for use in purchasing goods over a network. In addition, the allowance increment indicates "an amount of money to be transferred to the recipient account on a periodic basis." However, Fleming is only concerned with increases to a child's available credit and not an increase in money. As a result, Fleming also fails to teach or suggest any transfer of money in a periodic basis as recited in claim 56.

The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Fleming. The combination of Herman, Picciallo, Maritzen, and Cheong with Fleming does not cure the deficiencies

of Fleming. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103(a).

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504298 (Order No. 101-P287).

I am the attorney or agent acting under 37 CFR 1.34

Respectfully submitted,

/C. Douglass Thomas/

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